



OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE

Tim Ward, *District Attorney*

July 18, 2019

Dan Rubins
MuckRock News
411A Highland Ave
Somerville, MA 02144-2516
Visalia CA 93291
76583-99366144@requests.muckrock.com

RE: PRA request for Brady & Giglio Lists pursuant to PC §832.7 (b)(1)(C)

Dear Mr. Rubins:

This letter is to acknowledge receipt of your request for records dated July 4, 2019 via email. Staff opened and read your request on July 12, 2019. Please be advised that nothing in this response should be considered as a waiver of the right of the County to assert any and all claims of exemptions or privileges to the inspection of the whole or any part of the records. In your letter, you requested records regarding the following:

“In accordance with California Penal Code §832.7 (b)(1), as amended by SB 1421, I am requesting all "Brady lists," "Giglio lists," "potential impeachment disclosure lists," or any similar compiled records or lists of records of the type set forth in California Penal Code §832.7 (b)(1)(C)..."

Any Brady List or Giglio List does not fall under the purview of SB1421 which calls for the disclosure of certain personnel records. Brady Lists and Giglio Lists are not SB1421 materials. Furthermore, the District Attorney's Office does not possess personnel records for officers in its jurisdiction, aside from the District Attorney Investigators. Any Brady List or Giglio List is also exempt from disclosure pursuant to the Attorney/Prosecutor Work Product Privilege (Code of Civil Procedure § 2018.030 and PC 1054.6), the Official Information Privilege (Evidence Code § 1040 and 1042); and Government Code §6254 (f), §6254 (k), and §6255.

With respect to personnel records for District Attorney Investigators, we are not in possession of any records relating to an incident in which a sustained finding was made by any law enforcement agency or oversight agency of dishonesty by a District Attorney Investigator relating to the reporting, investigation, or prosecution of a crime.

If you disagree with our assessment, and have statutory authority to support your position, please provide this information and we will reevaluate our response.

Pursuant to *Ardon v. City of Los Angeles* (2016) 62 Cal.4th 1176, inadvertent disclosure of documents in response to Public Records Act requests do not waive attorney-client and work product privileges. If our office can be of further assistance, please contact the undersigned at (559)636-5329 or by e-mail at dunderwo@co.tulare.ca.us

Sincerely,

A handwritten signature in blue ink, appearing to read "Daniel Underwood", with a stylized flourish at the end.

Daniel Underwood
Chief Deputy District Attorney